



subsequent review by a Committee comprised of representatives chosen equally by Trans Union and Settlement Class Counsel and potentially, by the Court. (Id.) If the Court determines such reimbursement was “improper,” it can order that the monies be returned by Trans Union, along with interest, to the Settlement Fund. (Id.)

3. Law firms throughout the United States have begun large-scale efforts, including running informational advertisements on national television networks, to inform consumers of their ability to assert PSC’s, and the need to do so by the September 17, 2010, deadline. Trans Union expects at least 70,000 (and potentially more) PSC’s will be asserted in the next month on behalf of Settlement Class Members. The attorneys representing these claimants have informed Trans Union that they are prepared to file individual lawsuits bringing these PSC’s.

4. Given the threat of the lawsuits, and the monies and procedures available to resolve such claims, Trans Union seeks to enter into a Mediation and Tolling Agreement (“Agreement”) with those individuals who have otherwise established the minimum requirement for asserting a PSC prior to September 17. The purpose of the Agreement is to permit the parties time to discuss a possible settlement of the claims. A copy of a proposed Agreement is attached as Exhibit C to the O’Neil Declaration, submitted in support of this Motion.

5. By this motion, Trans Union seeks a determination from this Court that Trans Union’s entry into the Agreement with Settlement Class Members who have asserted PSC’s, alone, will not jeopardize its ability to obtain reimbursement for any payment in settlement or judgment in connection with such PSC’s.

6. Trans Union further requests that the Court appoint a mediator to supervise the negotiation of settlement which not only resolves the PSC's but also eliminates any potential objections to Trans Union obtaining reimbursement.

7. In further support of this motion, Trans Union has filed its Memorandum in Support of Motion for Declaration of Rights Under Final Approval Order.

WHEREFORE, Defendant Trans Union LLC respectfully requests that this Court grant its Motion for Declaration of Rights Under Final Approval Order and enter an order:

(a) declaring that the entry by Trans Union LLC into tolling agreements with Settlement Class Members who have asserted Post-Settlement Claims will not bar Trans Union from obtaining reimbursement for the payment of settlements of, or judgments associated with, any such Post-Settlement Claims; and

(b) appointing a mediator to supervise negotiation of the terms of settlements of Post-Settlement Claims by which the payments, if any, by Trans Union LLC pursuant to those settlements are reimbursable from the Settlement Fund pursuant to Section 17(d) of this Court's Final Approval Order.

August 13, 2010

Respectfully submitted,

**TRANS UNION LLC**

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